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Patty Wilson

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Daniel et al.

Group Art Unit: 1642

Serial No.: **09/516,728**

Examiner: Yaen, C.

Filed: March 1, 2000

Atty Docket No.: 1242/12/2 CIP

Confirmation No.: 2723

For: MODULATION OF ENDOTHELIAL CELL SURFACE RECEPTOR ACTIVITY IN
THE REGULATION OF ANGIOGENESIS

DECLARATION PURSUANT TO *IN RE HAWKINS*

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Christopher P. Perkins, am attorney of record in the subject above captioned U.S. Patent Application Serial No. 09/516,728.

2. I have had an opportunity to review the Official Action mailed on December 16, 2003 from the U.S. Patent and Trademark Office for the above-referenced U.S. patent application.

3. The specification of the instant application has been amended at the paragraph beginning at page 82, line 12, and also at the paragraph beginning at page 96, line 12, to include reference to SEQ ID NOs: 3 and 4.

4. Additionally, a Substitute Sequence Listing has been submitted, which lists new SEQ ID NOs: 3 and 4.

Serial No.: 09/516,728

5. The amendatory material referred to in Items 3 and 4 includes the same material incorporated by reference in the instant application: namely, the nucleic acid and deduced amino acid sequences of the DEP-1 gene and gene product as disclosed in Ostman et al., *Proc Natl Acad Sci USA* 91:9680-9684 (1994).

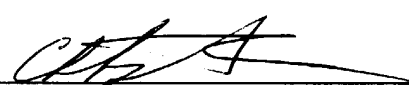
6. Accordingly, no new matter has been introduced into the pending application as a result of the amendments or the submission of a Substitute Sequence Listing.

I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
JENKINS, WILSON & TAYLOR, P.A.

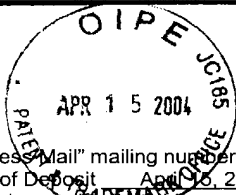
Date: April 15, 2004

By: _____


Christopher P. Perkins
Registration No. 52,111

Customer No.: **25297**

1242/12/2 CIP CPP/ptw



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Daniel et al.

Group Art Unit: 1642

Serial No.: **09/516,728**

Examiner: Yaen, C.

Filed: March 1, 2000

Atty Docket No.: 1242/12/2 CIP

Confirmation No.: 2723

For: MODULATION OF ENDOTHELIAL CELL SURFACE RECEPTOR
ACTIVITY IN THE REGULATION OF ANGIOGENESIS

DECLARATION PURSUANT TO 37 C.F.R. § 1.808

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Christopher P. Perkins, am attorney of record in the subject above captioned U.S. Patent Application Serial No. 09/516,728.

2. I have had an opportunity to review the Official Action mailed on December 16, 2003 from the U.S. Patent and Trademark Office for the above-referenced U.S. patent application.

3. Upon information and belief, hybridoma cell line HB12570 was deposited by co-inventor Dr. Thomas Daniel on September 18, 1998 with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia, 20110-2209, U.S.A., under the terms of the Budapest Treaty. As such, the following are true:

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- a) during the pendency of the application, access to the deposit will be afforded to one determined by the Commissioner to be entitled thereto;
- b) all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon granting of the patent
- c) the deposit will be maintained for a term of at least thirty (30) years and at least five (5) years after the most recent request for the furnishing of a sample of the deposited material;
- d) the material deposited with the ATCC was viable; and
- e) the deposit will be replaced should it become necessary due to inviability, contamination, or loss of capability to function in the manner described in the specification.

I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.

Date: April 15, 2004

By: _____


Christopher P. Perkins
Registration No. 52,111

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